

Message Text

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PAGE 01 PRETOR 04191 161729Z

51

ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 L-03 CIAE-00 DODE-00 INR-10

NSAE-00 PA-04 RSC-01 USIA-15 PRS-01 SPC-03 IO-14

DRC-01 /096 W

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R 161304Z NOV 73

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 8925

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

UNCLAS PRETORIA 4191

E.O. 11652: N/A

TAGS: PINT, SF

SUBJECT: CHRISTION INSTITUE DIRECTOR CONVICTED

REF: A) PRETORIA 3358; B) PRETORIA 3404

1. REV. BEYERS NAUDE, DIRECTOR OF ECUMENICAL CHRISTIAN INSTITUTE (CI), FOUND GUILTY NOVEMBER 16 OF CONTEMPT FOR REFUSING TO TESTIFY (REF A) BEFORE SCHLEBUSCH COMMISSION INVESTIGATING CI AND THREE OTHER ANTI-APARTHEID ORGANIZATIONS.

2. PRETORIA MAGISTRATE SENTENCED NAUDE TO R 50 (US\$75) FINE OR ONE MONTH JAIL AND TO THREE MONTHS PRISON SENTENCE, CONDITIONALLY SUSPENDED FOR THREE YEARS. MAGISTRATE STATED THAT, IN VIEW OF NAUDE'S POSITION OF INFLUENCE, A FIRM SENTENCE WAS JUSTIFIED TO OTHERS WOULD NOT BE ENCOURAGED TO FOLLOW HIS EXAMPLE.

3. FOUR-DAY TRIAL WHICH ATTENDED THROUGHOUT BY EMBOFFS AND OBSERVED ON BEHALF OF BRITISH CHURCHES

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PAGE 02 PRETOR 04191 161729Z

BY ARCHBISHOP OF WALES, MOST REVEREND G.O. WILLIAMS,

AND BY BRITISH PROFESSOR ANTONY ALLOT FOR INTERNATIONAL COMMISSION OF JURISTS. TRIAL PROVIDED EFFECTIVE PLATFORM FOR EXPRESSION OF NAUDE'S BELIEFS.

3. MAGISTRATE GRANTED LEAVE TO APPEAL FOLLOWING JUDGEMENT.

APPEAL TO SUPREME COURT WILL BE MADE ON THREE ISSUES:

A) THAT STATE PRESIDENT'S PROCLAMATION ESTABLISHING COMMISSION IS ULTRA VIRES; B) THAT PROCLAMATION MADE NO MENTION THAT INVESTIGATION OF FOUR ORGANIZATIONS WAS MADE IN "PUBLIC INTEREST" AND THAT NO EVIDENCE WAS GIVEN TO COMMISSION TO ESTABLISH A PUBLIC INTEREST AND C) THAT NAUDE HAD "SUFFICIENT CAUSE " TO REFUSE TO TESTIFY AND THEREFORE SHOULD HAVE BEEN FOUND NOT GUILTY OF CONTEMPT.

4. DEFENSE HAS ASKED FOR POSTPONEMENT OF TRIALS OF OTHER CI AND SOUTH AFRICAN INSTITUTE OF RACE RELATIONS PERSONNEL PENDING OUTCOME OF NAUDE'S APPEAL. SAG, HOWEVER, IS REPORTED ANXIOUS TO HOLD REMAINING TRIALS IN FIRST WEEK OF DECEMBER INSTEAD OF WAITING FOR RESULTS OF APPEAL WHICH COULD TAKE SEVERAL MONTHS.
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30 JUN 2005

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